IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KYLE DAMOND JONES, Plaintiff, V. DALLAS COUNTY COMMUNITY COLLEGE and STATE OF TEXAS, Defendants.	§ § § § § § § § § §	No. 3:20-cv-1908-X

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. 7]. Plaintiff Kyle Damond Jones subsequently filed a Retort, which the Court construes as an objection to the Magistrate Judge's findings, conclusions, and recommendation. Jones objects that Eleventh Amendment immunity does not apply to the State of Texas, that he did not agree to review of his case by a Magistrate Judge, and that this suit raises a new issue not found in his prior case. [Doc. 8].

The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made. The Court also reviewed the remaining proposed findings, conclusions, and recommendation for plain error. The Court finds that Eleventh Amendment protects the State of Texas and its agencies from suit in federal court, so Jones's claims against Texas are

barred.[1] Furthermore, a judge may properly "designate a magistrate judge to hear and determine any pretrial matter pending before the court," as the Court did here.[2] And finally, Jones's claim against Dallas County Community College is barred by *res judicata* because it emerges from the same "nucleus of operative facts" as his prior case.[3]

Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS SO ORDERED this 30th day of September, 2020.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

[1] *See P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 144 (1993).

[2] 28 U.S.C. 636(b)(1)(A).

[3] *Test Masters Educ. Servs., Inc. v. Singh*, 428 F.3d 559, 571 (5th Cir. 2005).